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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,384	10/23/2001	Suehiro Mizukawa	110-061	9837

7590

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/926,384

Applicant(s)

MIZUKAWA, SUEHIRO

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1-5 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **with** traverse in Paper No. 3.
2. Applicant's election with traverse of Species I in Paper No. 3 is acknowledged. The traversal is on the ground(s) that the species are not deemed to lack unity of invention. In this regard, the claimed species lacks unity of invention for the following reasons: the special technical feature of each species is their stationary/movable cutting structure and the stationary/movable cutting structure of each species is exclusive to that species. For example, the stationary/movable cutting structure of species I is not found in species I-IV and the stationary/movable cutting structure of species III is not found in species I, II, and IV. Therefore, the requirement is deemed proper and will remain.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "7" has been used to designate both a fulcrum, on page 2 line 17, and a support face, on page 3 line 21. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. Figures 44-63 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing

correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities: On page 22 line 5, the title "Best Mode for Carrying Out the Invention" should be replaced with "Detailed Description of the Figures".

Appropriate correction is required.

***Claim Objections***

6. Claims 7 and 8 are objected to because of the following informalities: On lines 2-4, of claim 7, the phrase "...each of said stationary edges and movable edges of the front and rear movable blade parts is a straight-cutting edge..." should be replaced with "...each of the stationary edges of the support face and movable edges of the front and rear movable blade parts are a straight edge-cutting edge...". On lines 2-4, of claim 8, the phrase "...each of said stationary edges and movable edges of the front and rear movable blade parts is a miter-cutting edge..." should be replaced with "...each of the stationary edges of the support face and movable edges of the front and rear movable blade parts are a miter edge-cutting edge...". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cross et al.

Cross et al. discloses the same invention including a stationary blade part having a support face (25) on which the work piece is overlaid (L), a pair of front (30) and rear stationary edges (31) disposed on the support face (Fig. 11) and are positioned to be separated from each other by a gap in a direction of feeding the work piece (Fig. 11), a front movable blade part which is movable in front of the support face in lateral directions (Fig. 11) which includes a movable edge that cooperates with the front stationary edge of the support face to cut the work piece (32), rear movable blade part which is movable in rear of the support face in lateral directions (Fig. 11) which includes a movable edge that cooperates with the rear stationary edge of the support face to cut the work piece (33), and that each of the stationary edges of the support face and movable edges of the front and rear movable blade parts are a straight edge-cutting edge for linearly forming a cut line over the work piece.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cross et al. in view of JP 2218509. Cross et al. discloses the invention including stationary and movable edges but fails to disclose that these edges are a miter-cutting edge. JP 2218509 teaches edges with miter-cutting edge (Figs. 5 and 4b). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Cross et al. with a miter-cutting edge, as taught by JP 2218509, to perform an alternate shaped cut.

***Allowable Subject Matter***

11. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hammond, Burch, Greene, Alessi, Mizukawa, and Yamada.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

A handwritten signature, possibly reading 'JP', in black ink.

JP  
August 21, 2003

A handwritten signature in black ink, likely belonging to Allan N. Shoap.

Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700